

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

NORMA SIMMONS, )  
                    )  
                    )  
Plaintiff,       )                          No. 4:04-CV-674 CAS  
                    )  
                    )  
v.                 )                          )  
                    )  
DIRECTORY DISTRIBUTING )  
ASSOCIATES,        )  
                    )  
Defendant.        )

**MEMORANDUM AND ORDER**

This closed matter is before the Court on plaintiff's motion to alter or amend judgment pursuant to Federal Rule of Civil Procedure 59(e). Defendant filed a memorandum in opposition. For the following reasons, the Court will deny plaintiff's motion to alter or amend judgment.

This Court has broad discretion in deciding whether to grant a motion under Rule 59(e). Innovative Home Health Care, Inc. v. P.T.-O.T. Assocs. of the Black Hills, 141 F.3d 1284, 1286 (8th Cir. 1998). Rule 59(e) was adopted to clarify that "the district court possesses the power to rectify its own mistakes in the period immediately following the entry of judgment." White v. New Hampshire Dep't of Employment Sec., 455 U.S. 445, 450 (1982) (internal quotations omitted). "Rule 59(e) motions serve the limited function of correcting manifest errors of law or fact or to present newly discovered evidence." Innovative, 141 F.3d at 1286 (internal punctuation and citations omitted). Such motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment. Id.

Plaintiff's assertions do not provide grounds for relief from the judgment. Plaintiff's motion restates the arguments included in her memorandum in opposition to defendant's motion for summary judgment. Plaintiff has failed to establish a manifest error of law or fact, the discovery of new

evidence, or an intervening change in the law. Therefore, the Court will deny plaintiff's motion to alter or amend judgment.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to alter or amend judgment pursuant to Fed. R. Civ. P., 59(e) is **DENIED**. [Doc. 27]



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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 15th day of September, 2005.